

The Exclusion of Denizens within the Irish Social and Political Opportunity Structure: The Cosmopolitan Case of Muslims in the Republic of Ireland

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Introduction

The aim of this paper will be to analyse the social and political opportunity structures available to the Muslim population domiciled within the Republic of Ireland (ROI) and to assess how the incentives and disincentives of these structures impact on the individual choice selection of either a national or transnational identity. Critical stress will be placed on the role of the nation state for designing political structures that are exclusionary, as compared to the more open and accessible civil and social opportunities that exist. Notably, the political opportunity structure is recognised as exclusionary by the identification of a civic stratification of the Muslim community into citizens and denizens. This exclusionary institutional system is designed and perpetuated by the Irish nation state. The paper will then move onto a critical analysis of these political exclusionary structures within the Irish political community with particular emphasis on cosmopolitan theory, which aims to transcend the a-moral norms of the existing Westphalian state system and to create new modalities of dialogic communities that stop exclusion and civic stratification and enable denizens to enter the national political realm.

Firstly, the chapter provides background information on the Muslim population in the Republic of Ireland, which has been relatively ignored in European Muslim studies. Such limited research of the Irish context has been perpetuated by a relatively small population of domiciled Muslims and a continuing lack of qualitative and quantitative data that may form the basis of much needed academic insight. Due to these limitations, this paper has had to make some reluctant trade-offs. Specifically, in accordance with research conducted by Koopmans and Statham into civic pluralist polities¹ (of which the ROI has been categorised below), the heterogeneous Muslim community will not be assessed according to its ethnic cleavages but as a holistic entity. Certainly, in time with continuing research and more accessible data, narrowing the focus to Muslim ethnic cleavages will be an academic priority for the Irish Muslim-studies field.

Secondly, the chapter will discuss the Irish social and political opportunity structures such as the political system; racism within Irish society; naturalisation and electoral franchise; and the educational system. The political and social opportunity structure has not been narrowed to the Muslim context *per se* but has been developed in a broad manner that may be inferred onto all migrants and third country nationals living within the Irish state. Muslim reactions to these structures have been presented through the limited academic work that exists, official organisational documents and newspaper coverage from the Irish Times, the most influential broadsheet in the country. As mentioned, the data available remains sparse in terms of

¹ Koopmans and Statham (2001) have stated within their content analysis studies on migrant claims-making that: 'inclusive citizenship regimes direct migrant identities away from the national and ethnic cleavages of their homelands' (p.93) and towards a Muslim identity. We will deal more comprehensively with this topic of political opportunity structures below.

European research already presented in this academic field and this chapter begins to fill this gap.

Lastly, the paper will narrow its focus on one preeminent form of exclusion identified from the social and political opportunity structure: that of the exclusion of denizens to vote in national elections within the Republic of Ireland. This exclusionary practice will be critically analysed using a cosmopolitan perspective that will emphasize the moral rigidity of the nation state system in identifying new ways of incorporating political communities that have national and transnational links. Particular emphasis will be placed on the cosmopolitan theories of Andrew Linklater and on the dialogic ethics of Jürgen Habermas.

Background to the Muslim Community in Ireland²

Demographically, at present, the Muslim population of the Republic of Ireland is officially calculated at 32,539, which represents an increase of 69.9 percent in the Muslim population since the previous census of 2002. This population has a male-female division of 19,372 and 13,167 respectively and is considerably young in age with 9,979 aged between 1-14; 10,140 aged between 15-29; 11,993 aged between 30-59 and lastly, 427 aged between 60-85 plus.³

It must be recognised that the Muslim population within the ROI. is extremely heterogeneous, containing over fifty different nationalities and incorporating regional links to Europe, (South) Asia, Africa, and the Middle East. Sunni sects predominate, whilst two thousand Shia are also

² The primary reference to this section unless otherwise stated is Flynn (2006).

³ For the above statistics, see Central Statistics Office (CSO, 2010).

represented⁴. In parallel with other European countries, immigration to the ROI was initiated due to economic and professional necessity. However, in contrast to the European experience, the first migrants to Ireland were medical students, practicing doctors, aircraft mechanics and businessmen. Muslims are well-represented in occupations in the health, sales and personal care/child care areas. In terms of geographical spread within Ireland, the census figures of 2006 indicates a balance between Dublin (17,330 pop.) and non-Dublin (15,209 pop.). Moreover, outside Dublin, the Muslim population has a tendency to reside in regional city locations or towns with populations over 5000.⁵

Notably, Muslim communities have developed in towns that contain economic resources that fit general Muslim occupational trends. For example, Cavan town has a Muslim population of 252, who benefit from a close proximity to a hospital that provides medical services for the wider provincial area. Also, in county Kerry, the small town of Tralee has a significant Muslim population of 522, who avail of the important tourist industry in which the sales and services markets thrive. The county newspaper of Kerry published an article on the Muslim population increase by stating that ‘in the county capital Islam has overtaken Protestantism to become the second most practised religion in the town’.⁶ Interestingly, not all economic migration within Ireland has been guided by pre-existing national determinants such as medical needs and tourism. In County Mayo, the town of Ballyhuanis has, for a thirty year period, encouraged the continued operation of a halal meat slaughtering plant, which provided halal

⁴ See www.shiamusliminireland.com, Retrieved on 7th November 2009.

⁵ For the above statistics, see Central Statistics Office (CSO, 2010).

⁶ See ‘Muslim Population in Kerry Doubles in Four Years’ .*The Kerryman*. 5th December 2007. Available from www.kerryman.ie.

meat to the global Muslim market. Prior to the first Gulf war and subsequent economic sanctions, the United Meat Packers (UMP) firm in Ballyhuanis was the second largest meat-processing firm in the country providing halal meat to the Middle Eastern market, particularly Saddam Hussein's Iraq. UMP was established by Pakistani entrepreneur Sher Mohammed Rafique and employed the majority of the Muslim population in the town; however, due to economic embargoes the company lost its profitability and eventually closed down. Today, a new company called Iman Casings in Ballyhuanis processes lamb casings and employs the Muslims in the town, which now stand at 146 individuals.⁷

Historically, the Republic of Ireland's Muslim community traces its origins back to the late 1950s, when a small group of students attending the Royal College of Surgeons Dublin, established a committee to organise religious needs for the Muslim holidays and weekly Friday prayers (Arabic: *Jumaa*). From 1969 to 1976, after national and international fundraising, this expanding community established the first Islamic centre in the ROI, located in the South Dublin city centre. However, by 1983, with the continued expansion of the Muslim community, the Harrington Street premises was sold and personal and international donations⁸ were utilised in order to buy a larger property at nearby 163 South Circular Road. Since then, this has become the home of the Dublin City Mosque along with the Islamic Foundation of Ireland (IFI). The foundation's registered members elect a new Council (Arabic: *Majlis al-Shura*) annually and it abides by a written constitution. Sheikh Yayha al-Hussein has presided as imam of Dublin City Mosque since the move to the South Circular Road.

⁷ See 'Entrepreneur Returns to Help Mayo's Muslims' 24th July 2004 & 'Immigration has benefited Ballyhuanis' 16th May 2000. *The Irish Times*. Available from www.irishtimes.com/search/index.html

⁸ Donations were received from the Qatari and Kuwaiti authorities.

From the early 1990s onwards, the Muslim population in the Republic of Ireland increased dramatically due to influx of refugees from Bosnia, Somalia and Albania who were fleeing their war-torn countries. In addition, by the end of the decade, there was a substantial increase in asylum seeker applications from a number of countries in Africa and the Middle East.⁹ This increase in the Muslim population brought with it issues relating to physical and religious space (i.e. the limits of space within existing mosques, the lack of Islamic education and facilities outside of the Dublin metropolitan area). In November 1996, the second purpose built mosque in the ROI,¹⁰ the Islamic Cultural Centre of Ireland (ICCI), was officially opened with the President of Ireland, Mary Robinson, in attendance. This large purpose built mosque, located in the middle class Dublin suburb of Clonskeagh, was initially administered by the IFI but was subsequently then managed by the Al-Maktoum Foundation, which is closely linked to and receives funding from authorities in the United Arab Emirates. The switching of administrative responsibilities from the IFI to the Al-Maktoum foundation has caused a certain amount of friction between individuals within the two organisations. Since the 1990s, advances have been made in opening and increasing the space available for the Muslim community not only in Dublin but throughout the island. At present in Dublin, there are three large mosques¹¹ and approximately eight prayer halls varying in size. Four of those prayer halls are located on university campuses. In the rest of Ireland,

⁹ Islam in Dublin. (2010). *Islam and Muslims in Ireland*. Retrieved on 15th October, 2009. Available from www.muslimtents.com/islamindublin/ireland/htm.

¹⁰ In 1987, the Ballyhuanis Mosque became the first purpose built mosque in the Republic of Ireland.

¹¹ The second purpose built mosque in Dublin is the Ahlul Bayt Islamic Centre [Hussainia], Milltown Bridge Dublin 14.

there at least 16 designated small mosques and prayer halls. Notably, the mosques are located in the major towns and cities of each province.¹²

Social and Political Opportunity Structure

Rainer Baubock (2006) defined the political and social opportunity structure as consisting of ‘laws that allocate different statuses and rights to various groups of migrants and formally constrain or enable their activities, of institutions of government and public administration in which migrants are or are not represented, of public policies that address migrants claims, concerns and interests or do not, and of a public culture that is inclusive and accepts diversity or that supports national homogeneity and a myth of shared ancestry’ (p.10). Furthermore, Baubock presents the reason behind analysing these structures. He states that ‘the point of analysing a political [and social] opportunity structure is to identify institutional incentives and disincentives that help to explain migrant choices of political strategies’ (2006, p.11). This framework is helpful in outlining broad advantages and disadvantages for the domiciled Muslim community and in identifying exclusionary practices that may affect the selection of a national or transnational identity.

Irish Political System and the Absence of a Right-Wing Party

Academically, the Irish parliamentary system has been categorised as *sui generis* in composition and very much counter to the systems that exist in the rest of Europe. The Irish political system is comprised of two centre-right nationalist (republican) parties, Fianna Fail and Fine Gael, followed by

¹² For a list of mosques in the Republic of Ireland, refer to www.islaminireland.com/irish_mosques.html.

a centrist Labour Party¹³ and smaller left of centre political groupings such as Sinn Féin and the Green Party. The populist political strategies of the Fianna Fáil Party have secured its clear domination of the political landscape since its formation in 1927, while the proportional representational (PR-STV)¹⁴ electoral system allows for the smaller parties to maintain some form of competition and even participate in government as part of a coalition arrangement.

Uniquely and in contrast to most of the European political landscape today, the Irish political system is devoid of any radical right (RR) party such as has been identified in the United Kingdom (UK) with the British National Party (BNP), in France with the Front National (NF) or in Denmark with the Danish People's Party (Danish: *Dansk Folkeparti*, *DF*). These right-wing parties have promoted, with varying success, xenophobic immigration policies and challenged the pre-existing political consensus. Moreover, of growing concern is the increase in anti-Muslim rhetoric emanating from parties like the Danish People's Party (Rydgen, 2004). Certainly, the absence of a RR party within the Irish political system creates a more positive social and political space in which the Muslim community can participate without the added psychological and physical barriers that right-wing elements try to promote and enforce. Academics, such as Garner and O'Malley, have sought to explain this unique absence of right wing influence. Although a number of factors are outlined to account for this, most academics attribute this characteristic to the nationalist ideology that

¹³ Arguably, the Labour Party may be categorised as 'centrist' due to its social conservatism and lack of general support within the working class itself.

¹⁴ Importantly, Kingsley (1996) has recognised the limited potential within the proportional representational system for electoral block voting (a political strategy deployed by geographically concentrated Muslims in the United Kingdom) which limits the 'political potential' of settlers 'should they seek to act in unity' (pp. 129-142).

permeates the Irish political system. For example, Garner (2007) states that the norms of the Irish political system ‘are not those of the European mainstream [but are in fact]...populist and nationalist’ (p.114). Furthermore, O’Malley (2008) emphasises the unique populist character of Irish nationalism by stating that ‘nationalism in Ireland cannot easily sit with anti-immigrant bigotry, so it is less likely that a nationalist party in Ireland could be xenophobic’ (p.974). Such explanations are convincing, but should be supplemented by referring to the Proclamation of the Irish Republic¹⁵ (Irish: *Poblacht Na hEireann*), which articulates the viewpoints of the founding fathers of the state and was signed by the leaders of the 1916 Easter Rising against British colonial rule. Notably, this document guarantees religious and civil rights and also emphasises the need for the equalisation of the enforced colonial barriers of divide and rule. The third and fourth paragraphs proclaim:

‘The Irish Republic is entitled to, and hereby claims, the allegiance of every Irishman and Irishwoman. The Republic guarantees religious and civil liberties, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally, and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past.

Until our arms have brought the opportune moment for the establishment of a permanent National Government representative of the whole of Ireland and

¹⁵ We would contend that although the Proclamation of the Irish Republic is not an official document with legal standing within modern Ireland, its historical significance has moral and psychological resonance for the Irish nation at a collective and individual level. In a similar fashion to *liberté, égalité, fraternité* in France. However, it is a fact that a large percentage of Protestant families and individuals left Ireland after Independence. Certainly, Soysal (1994) has highlighted a term coined by Stephen Leibfried: ‘There is always an *‘implementation deficit’*, a discrepancy between formal rights and their praxis’ (p.134).

elected by the suffrages of all her men and women, the Provisional Government, hereby constitute, will administer the civil and military affairs of the Republic in trust for the people'.¹⁶

Certainly, within its historical context, paragraph three of the Proclamation of Independence may be interpreted as guaranteeing a republican freedom to a homogenous entity (the Irish people) and to a certain extent appeasing and including protestant elements within Irish society. Notably, the Irish flag signifies this appeasement to the Protestant minority religion of the time (the colours green and orange linked by the white middle indicating peace between the Catholic majority and Protestant minority). Presently, in the context of a multicultural Ireland with an expanding Muslim population, the Proclamation of 1916 still proclaims religious and civil rights for all the people of Ireland, whether of a majority or minority group. It also highlights Ireland's strong opposition to colonialism's divide and rule policy, which manifested a religious divide in Ireland between Catholics and Protestants.¹⁷ Returning to the absence of a right-wing party in the Irish political system, it must be recognised that all of Ireland's present political parties (except the Green Party) trace their political roots back to the Proclamation of Independence and its political prescriptions. That is not to say that a RR party can never exist within the Irish political arena, but that the political environment originally cast by the 1916 Proclamation makes the evolution and acceptance of such parties much more difficult.

¹⁶ Proclamation of the Irish Republic (*Poblacht Na hEireann*), 24th April 1916. Available from <http://www.libraryireland.com/HullHistory/Appendix3b.php>.

¹⁷ Notably for the last 27 years, the Republic of Ireland has annually sponsored a United Nations (U.N.) resolution condemning religious intolerance. See 'Israel to block Irish U.N. religion motion'. *The Irish Times*, 12th December 2003. Available from www.irishtimes.com/search/index.html.

Racism in Ireland

Although the social and political opportunity structure is positively uplifted by the absence of a RR party within the Irish political system, as in other European countries, racism still continues to affect the Muslim and other ethnic communities in Ireland. The National Consultative Committee on Racism and Interculturalism (NCCRI), in its role as the Irish National Focus Point (NFP) for the European Monitoring Centre on Racism and Xenophobia (EUMC), provides detailed six monthly reports on racist incidents which have occurred and were reported in the ROI. Notably, after the plane attacks on New York, NCCRI and the Equality Authority (2001) reported that at least 'one fifth (20%) of all 41 incidents recorded between May and October 2001, [were] directly related to September 11th'. The report highlights the nature of the racist attacks as unorganised acts such as abusive phone calls to mosques, verbal insults directed at Muslim women in Islamic dress and sensationalist newspaper and media reporting, which verge on being categorised as stereotypical and racist. Since 2001, the NCCRI has continued to document racist incidents within Ireland. In 2005, 119 racist incidents were reported, followed by 65 in 2006, 54 in 2007 and rising again to 106 in 2008 (NCCRI, 2005-2008). Due to recessionary times, since the end of 2008, the Irish government has decided to stop funding the NCCRI and to end the National Action Plan against Racism. Philip Watt, director of the NCCRI, publically criticised such cutbacks by stating that there is now a 'significant vacuum in Government policy arising from the fact that there is no longer an expert body to advise on anti-racism and integration and no longer a dedicated plan and funding line focused on dealing with these

issues'.¹⁸ Certainly, such cutbacks in expert monitoring of racist incidents in the ROI may have a detrimental effect on the development of the Muslim communities social and political opportunity structure in the future.

Naturalisation, the Electoral Franchise and Political Participation

Political integration is another important element of the social and political opportunity structure in that 'it refers to access to political status, rights opportunities and representation for immigrants and an equalisation of these conditions between native and immigrant populations' (Baubock, 2006, p.11). It essentially analyses the level of structural integration of a given community. Naturalisation and voting franchise rights vary significantly within the European community and are still determined by the individual member states own particular policies towards political inclusion for citizens and third country nationals. The Republic of Ireland has accommodating and inclusive policies concerning naturalisation and the franchise to vote compared to other European member states. Notably, in Ireland, a minimum residence of four years is required for naturalisation with a toleration of dual nationality accepted under certain conditions.¹⁹

In terms of the political opportunity structure, Koopmans and Statham's (2000, 2001) content analysis work on migrant claims-making, led to the development of four ideal-typical national models of citizenship and incorporation. The model combined two citizenship elements, firstly, Brubaker's (1992) conception of *ius sanguinis*, which refers to an ethno-cultural community based on common descent and cultural traditions and *ius*

¹⁸ See 'Budget Cutbacks Weaken State's Capacity to Combat Racism'. *The Irish Times*, 19th November 2008. Available from www.irishtimes.com/search/index.html.

¹⁹ See Waldrauch H. *Annex –Table 1: Acquisition of nationality at birth and by naturalization in Western Europe (15 old E.U. member states, Norway and Switzerland*. In Baubock (2006, pp. 106-107).

solis, which refers to a civic community adhering to common political values (and institutions) and residence within the state territory. The second element concerns the state's particular cultural obligations and strategy for including migrants into the political community. Two strategies are identified: assimilationist and cultural pluralist. Assimilationism refers to a public sphere that requires new members of the political community to conform and convert to the dominant national culture. On the contrary, within cultural pluralist receiving states migrants have the right to retain their ethnic, cultural and religious differences. By combining these two elements of citizenship, Koopmans and Statham (2000, 2001) developed four ideal-typical national models of citizenship and incorporation – these are: ethnic segregationism, ethnic assimilationism, civic republicanism and civic pluralism. These distinct types of citizenship and incorporation can facilitate the identification of the two-way relationship between European state and its migrant population. Ethnic segregation has been best exemplified by Germany, which has in the past pursued policies that make it difficult for guestworkers and foreigners to naturalise and enter the political community. Therefore, *Ius sanguinis* naturalisation was applicable. However, by 2000, with the introduction of new citizenship laws, Germany made a radical transition from ethno-cultural segregationism to assimilationism. This has put more emphasis on the need for migrants (who are legally capable of naturalising) to assimilate fundamentally into the dominant German culture. In fact, Minkenberg (2003) has declared that Germany now has one of the most liberal nationality laws in Europe, by accommodating conditional *ius soli* provision and carrying out 150,000 naturalisations per year.

Civic republicanism is best exemplified by France, which has an open access to citizenship through *ius soli* but whose public sphere ascribes to a universal cultural model that does not recognise ethno-cultural groups as public entities. In fact ‘*communautarisme*’ is reviled in French political culture.²⁰ Lastly, civic pluralism is identified with countries such as Sweden, the Netherlands and the United Kingdom. Like France, this type has an open access to citizenship through *ius soli*, but contra to the civic republican type recognises the cultural differences and the expression of that cultural identity in the public sphere. Notably, differences exist between the Netherlands and the U.K, in that the Netherlands has been identified as more multicultural by giving religious and ethnic groups state support for their organisations and education. This stance is related to the Pillar system (Dutch: *zuilenstelsel*) that has historically existed within the Dutch society.²¹ However, in recent times, there are signs that the Netherlands may be moving to a more assimilationist approach by introducing naturalisation tests in culture, history and language. According to Koopmans and Statham (2000; 2001), the UK’s relationship to its migrant population has in effect been racialised by a ‘state-sponsored race relation industry’ which has categorised sections of the migrant population as ‘black’ or ‘Asian’. Interestingly, unlike German Muslim migrants who make claims via their ethnic affiliation. Muslim migrant claims-making in the Netherlands and the UK, is overwhelmingly presented through a ‘Muslim’ identity. Within the UK, this is all the more pronounced by the fact that Race Relations Act 1976 does not cover religious discrimination. As Koopmans and Statham (2001) succinctly state:

²⁰ See ‘Maverick for whom France is one and divisible’. *The Irish Times*, 23rd September 2000. Available from www.irishtimes.com/search/index.html.

²¹ For an historical and modern day perspective of the influence of the Pillar system in Dutch society, see Gowricharn & Mungra (1996). The politics of integration in the Netherlands. In Shadid & van Koningsveld (eds.) (1996).

‘inclusive citizenship regime[s] such as those of Britain and Netherlands not only affect the degree to which identity groups make homeland-oriented claims, but shape the very identities of these groups. As a result, Turks, Moroccans, or Pakistani in the Netherlands and Britain to an important extent are no longer visible in the public sphere as such, but appear as Muslims, general speakers for minorities, or, in the British Case, as representatives of the racial group of Asians [...thus] inclusive citizenship regimes direct migrant identities away from the national and ethnic categories of their homelands’ (p.93).

In relation to the Irish context, *ius soli* citizenship rights, although not automatically conferred since the Citizenship referendum in 2004,²² are given to the second generation if one parent is resident in the state for at least three years. To acquire citizenship through marriage, an individual must be resident in the state for two years and have been married to an Irish citizen for at least three years (Baubock, 2006).²³ In terms of placement of Koopmans and Statham’s typology of citizenship and incorporation, the ROI would be placed in the civic pluralist camp in between the Netherlands and the United Kingdom. In other words, within the ROI there is an open access to citizenship through *ius soli* and recognition of the cultural differences that exist within society and an acceptance of the expression of cultural and religious identity in the public sphere. In contrast to the UK and similar to the Netherlands, Ireland has incorporated its migrants with more emphasis on religious recognition by funding religious schools and educational

²² ‘On 11 June 2004 the government [of the ROI] asked the electorate to vote in a referendum to amend Article 9 of the Constitution to remove birth-right citizenship from children born in Ireland who do not have at least one parent who is an Irish citizen or who is entitled to Irish Citizenship [...] 79.8 percent of the electorate voted in favour of the government’s proposal’ (Lentin 2007, p.610).

²³ For a concise table of naturalisation and franchise rights across Europe refer to note 19.

programs and prohibiting religious discrimination through the Equal Status Act 2000.²⁴

In spite of a relatively open and liberal civic pluralism, the ROI, according to the Migration Integration Policy Index (MIPEX, 2010), has the least secure long-term residence policy for third country nationals (who do not wish to take up Irish citizenship) in Europe, due to the fact that ‘security to live in Ireland for the long-term is discretionary and entirely based on their security of employment’. The same source reports that class inequality also permeates the Irish long-term residence policy as regular workers have to work in Ireland for five years to get a renewable work permit (stamp 4) and eight years to get an indefinite work permit (stamp 6) whilst strategically important occupations (with incomes above €60,000) can be fast-tracked by the Green Card system (MIPEX, 2010).

In terms of franchise rights for third country nationals, the Irish state was one of the first European countries to institutionalise local voting rights based on residency (*ius domicili*) rather than on citizenship. The electoral act of 1963 and the subsequent amendment of 1972 gave the local electoral franchise to third country nationals over 18 years of age and ordinarily resident in a particular constituency (Whelan, 2000, p.8). In common with nearly all other European states (except the United Kingdom), the national

²⁴ The Equality Status Acts (2000 – 2004) and the Equality Act 2004 legislate for religious discrimination in goods, services, accommodation, education and employment in the ROI Available from <http://www.irishstatutebook.ie/2004/en/act/pub/0024/index.html>. Such recognition of religious discrimination may have its roots in the Irish colonial experience of successive British Penal Laws, which (within the 17th and 18th Centuries) reduced Catholic rights and subsequently significantly reduced Catholic land-holdings on the island. See ‘Muslim MP calls for religious equality Law’ .*The Independent [U.K.]*, 16th September 2008. Available at <http://www.independent.co.uk/news/uk/politics/muslim-mp-calls-for-religious-equality-law-931982.html> . On the 1st October 2010, the Equality Act will come into force in the U.K. An element of this act is recognition of religious discrimination in line with previous European directives.

electoral franchise is still not conferred onto third country nationals within the Irish state.²⁵

In terms of the Muslim communities' social and political space, the ROI's naturalisation and local election franchise policies are liberal and inclusive compared to most other European states. However, the Muslim community in Ireland has now become electorally stratified: there are Muslims who are citizens²⁶ and may vote in all Irish elections and referenda (local, national and European); there are Muslims who are E.U. citizens²⁷ and may vote in local and European elections; and third country nationals of the Islamic faith who as residents of a constituency may vote in local elections for that area only. In an influential study on democracy, citizenship and the nation state, Thomas Hammer (1990) viewed and categorised resident third country nationals who enjoyed a secure and peaceful life within a host country as a new form of status, which he termed 'denizenship'.

Such civic stratification²⁸ of the Muslim community into citizens and denizens may inhibit the ability of the community to participate politically in a 'conventional' way (i.e. via electoral voting and representation). Alternatively, to act collectively in its interests, the Muslim community may rely more on 'unconventional' means of political participation (i.e. via trade unions, lobbying, community committees and Muslim organisations).

²⁵ For a concise table of naturalisation and franchise rights across Europe refer to note 19.

²⁶ There are approximately 9,761 Irish citizens belonging to the Islamic faith. This number comprises individuals who have decided to naturalise, Irish citizens who have converted to the Islamic faith and Irish-born Muslim children. See Central Statistics Office (C.S.O, 2010). *Census 2006 - 'Volume 13 – Religion'*. Available from www.cso.ie.

²⁷ There are approximately 2,544 European citizens of Islamic faith in the ROI, of which 620 are U.K citizens who may vote in the Irish national elections. Approximations from Central Statistics Office (C.S.O, 2010). *Census 2006 - Combined 'Nationality' dataset and 'Volume 13 – Religion'*. Available from www.cso.ie.

²⁸ A term developed by Lockwood (1996).

Interestingly, citizenship and denizenship stratification within the Irish community may produce significant variations in political integration, which may lead to higher or lower voting levels in local elections. Research by Fennema and Tille (2001) in the Netherlands has shown that the Turkish denizen community participates strongly in local elections in contrast to other migrant communities such as the Surinamese and Antilleans, who have gained Dutch citizenship via colonial affiliation (p.39).

Current evidence shows a lack of conventional political representation by Muslims at the national and local electoral levels in Ireland. A brief overview of Muslims running in Irish elections shows that only one Muslim has ever been elected to the national parliament - Indian-born Dr. Bhamjee Moosajee, a Labour backbench parliamentarian (Irish: *Teachta Dala, TD*) for County Clare after the 1992 general election.²⁹ In the 2009 local elections³⁰, only four Muslim individuals³¹ could be identified as having competed for a council seat within their respective local areas.³² Surprisingly, although there is an open franchise in local elections, there tends to be an absence of participation at the candidate level within the Muslim community. Weeks and Quinlivan (2009) explained such passivity by the fact that local elections, over the years within the ROI and in contrast to common European practice, have been weakened by a limited authority

²⁹ Dr. Bhamjee Moosajee declined to run again in the 1997 General Election but has continued to lobby on behalf of the Muslim community in County Clare. See 'Council to Provide 20 Muslim Graves. *The Irish Times*, 12th December 2007. Available from www.irishtimes.com/search/index.html.

³⁰ The June 2009 Local Elections incorporated 258 separate local elections to elect 1,627 local public representatives (Weeks and Quinlivan 2009, p.6).

³¹ Shaheen Ahmed (F.F.) – Lucan 448 – 1st preference votes - Total vote 15,425 – Not Elected.
M. Ahmed (Ind.) – Waterford East – 130 1st preference votes – Total vote 10,094 – Not Elected.
Rashid Butt (Ind.) – Mullingar West – 185 1st preference votes – Total vote 13,526 – Not Elected.
Zahid Hussein (Ind.) – Castleknock – 136 1st preference votes – Total vote 29,622 – Not Elected.
Local election 2009 results available from <http://electionsireland.org/results/local/2009local.cfm>.

³² Further detailed quantitative and qualitative research is needed to discover individual Muslim voting patterns and party preferences within the ROI.

range for local councils, budgetary dependence on the national government, a restrictive career path to the national political arena for local councillors³³ and a duel mandate³⁴ tactic practiced by elected TDs to control the political space within local politics. The prohibition of dual mandate in 2003 may provide the further space for denizens to participate in local elections.³⁵

It has been argued that denizens should voluntarily naturalize to the recipient country citizenship in order to gain full political and electoral rights. However, in many circumstances, this is not possible due to family links, economic investment concerns or the policy advocated and followed by the sending state in terms of renunciation of citizenship. As Gianluca Parolin's (2009) five-year study into Arab citizenship acknowledges:

'If the freedom to change nationality prevails, foreign naturalization automatically entails loss of nationality, whereas if perpetual allegiance proves stronger, loss of nationality for foreign naturalization is subject to state consent' (pp.108 & 128)³⁶

³³ Many councillors hope to gain a party nomination to run in the national elections. However, a limited number of nominations are available, which may cause disappointment to many local councillors. Between 2006 and 2008, eleven councillors resigned from the fifty-two seat Dublin City Council. See Weeks and Quinlivan (2009, p.169).

³⁴ Duel Mandate refers to parliamentarians (TDs) holding a national seat alongside a seat on their local council. In 2002, of the 226 elected TDs, 138 were members of their local councils. This practice was prohibited by the 2003 Local Government Act (No.2). See Weeks and Quinlivan. (2009, pp.39-40).

³⁵ However, multiple academic reports have shown that Irish political parties have been very slow to implement policies that incorporate immigrant party members and select immigrant electoral candidates. See Fanning, B., Mutawarasibo, F. & Chadmayo, N. (2004); Fanning, Shaw, O'Connell, & Williams. (2007); Fanning, O' Boyle. & Shaw. (2009). All three reports are available from <http://www.ucd.ie/mcri/publications.html>.

³⁶ Parolin (2009, p.108) also clarifies that 'the punitive deprivation of nationality for having acquired foreign nationality without state permission is the main orientation of Gulf legislation'.

The Irish Educational System and the Muslim Community³⁷

From the 1930s to the 1950s, the Catholic Church acquired a leading role within Irish society to the point where the Irish Constitution³⁸ publically and lawfully acknowledged that position. Although not recognised as the official state religion, this strong relationship between church and state may be viewed as a necessary step in order to establish and formulate an Irish identity distinct to the British identity that had preceded Irish independence. The foundation and perpetuation of this nascent Irish identity was forged by the Catholic Church's domination of the educational system. In 1972, a constitutional amendment was passed which recognised and respected religious practice but ensured the non-endowment of a particular religion. However, the Catholic Church continued to exert traditional conservative power within Irish society at large culminating in fierce debates between various elements of society in relation to issues of divorce, abortion³⁹ and homosexuality. Notably, although the Irish constitution declared the separation between the various religious establishments and the state, the Catholic Church has continued to dominate the administration of education in Ireland with government support. The position of the Church in this regard has weakened in recent years. Even the Archbishop of Dublin, Dr. Diarmuid Martin, publically acknowledged to the Irish Primary Principals Network (Dublin Network) that the Catholic monopoly of the Irish education system is an 'historical hangover' and that 'a system in which 92 percent of all primary schools [are] managed by the Catholic Church in a

³⁷ The primary reference to this section unless otherwise stated is Sakaranaho (2006).

³⁸ An online version of the Irish Constitution is available from http://www.taoiseach.ie/eng/Youth_Zone/About_the_Constitution_Flag_Anthem_Harp/Constitution_of_IrelandNov2004.pdf.

³⁹ See 'Muslims favour retaining abortion clause in the Constitution'. *The Irish Times*, 6th July 2000. Available from www.irishtimes.com/search/index.html.

country where the Catholic population is 87 percent is certainly not tenable.⁴⁰

The Irish Constitution's public recognition of religion and its amended statement not to endow any one particular religion has been positively acknowledged by the Irish-Muslim community. Furthermore, the ROI's legacy of denominational and confessional education⁴¹ has also transferred educational and religious space to the Muslim Community. Such educational religious space is guaranteed by the Irish Constitution which acknowledges in Article 42.1 that 'the primary and natural educator of the child is the family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children'.⁴²

Similar to European citizenship policy, the practice of allowing Muslim communities religious educational freedom varies depending on particular member state laws and policies. As Brigitte Merechal (2003) has stated in relation to this pan-European issue:

'Only about half of the European countries have officially recognised and state-supported Islamic schools. As a rule, those schools do not exist in countries with small Muslim populations of which Finland is an example' (pp.50-51).

If Finland is the example, Ireland is certainly the exception by the fact that the small Muslim population within the Irish state has utilised the use of two Muslim schools for over a twenty year period. The decade of the 1990s

⁴⁰ See 'A New System of School Patronage' and 'Labour Calls on Minister to Review Church Role'. *The Irish Times*, 18th June 2009. Available from www.irishtimes.com/search/index.html.

⁴¹ 'Confessional' refers to the fostering of commitment to a faith by religious education. As opposed to 'Non-Confessional' which refers to distributing information about varying religions and their practices.

⁴² Refer to note 38.

heralded the continuing decline of the Catholic Church and an increase in the multicultural nature of the Irish nation as immigration levels increased. As has already been stated above, the increase in the Muslim population created the need for better facilities and for the creation of Islamic education with state support. In 1990, the first Muslim educational facilities in Ireland were established and administered by the IFI. By 1993, with the construction of the ICCI near completion; the school was transferred to the more spacious facilities attached to the more modern mosque. This new complex not only contained a library, a centre for women, a restaurant, gym and an accommodation block but also three different Muslim schools: (1) the Muslim National School (Scoil Naisiunta Maslamach), which is administered by the IFI; (2) the Nur-Al-Huda Quranic School, which specialises in the memorisation of the Koran; and (3) a Libyan School, which follows the prescribed Libyan syllabus that is accepted throughout the Middle East. At the national school opening in 1993, the President of Ireland Mary Robinson spoke of the fact that it was ‘only natural that members of the Muslim community would feel the need for an education which would reflect the values of the Islamic faith’ (IFI, 1993). The Muslim National School follows the standard Irish school curriculum but allows for the school itself to administer religious instruction in the Islamic faith. The school caters to around 300 students of Sunni and Shia orientation. In 2001, a second state funded Muslim national school opened on the north side of Dublin. This school caters to approximately 100 students of Sunni orientation. Notably, in recent years, the north Dublin Muslim National School has received criticism from the Department of Education and the media in relation to high staff turnover levels, financial and enrolment

irregularities and time-allocation to curriculum subjects.⁴³ As administrators of the school since 2007, the IFI has sought to quickly remedy the above concerns by ensuring all outlying bills are paid to the Department of Education; by introducing a standard child protection policy and training; by introducing curricular plans for subjects such as maths, music and Irish; and regulating the time-allotted to curricular subjects to five hours and ten minutes per day [excluding religious education] (IFI, 2009).

In addition, as in other European countries, the debate related to the wearing of the hijab has begun to surface in the ROI but in a contradictory manner to the discussion and policy in secular France⁴⁴. The subject arose when the Irish Times newspaper printed a correspondence between the Department of Education and the principal of a school which concerned a lack of national policy on the wearing of the hijab within Irish schools.⁴⁵ As media attention increased, the government issued a response in which the government categorically stated that ‘the issue of a school uniform is one for school authorities to design a policy on, following local consultations with the various members of the local community’ (Integration Unit of the Office of the Minister of Integration, 2009). In particular, the Minister for Integration, Conor Lenihan, referenced the Education Act (1998) which clarified the management role for school authorities as one of ‘respect for

⁴³See ‘Department Delivers Scathing Report on Dublin Muslim School’. *The Irish Times*, 18th June 2009; ‘Islamic Foundation Defends Running of School after Department’s Criticism’. *The Irish Times*, 23rd June 2009. Available from www.irishtimes.com/search/index.html.

⁴⁴ *L’affaire du Foulard (the scarf affair)* began in October 1989, when the headmaster of the College Gabriel Havez of Creil forbade three female Muslim students from attending class with their heads covered. On the advice of M. Daniel Youssouf Leclercq, a leading Muslim in France, the three girls defied the ban and thereby challenged the boundaries between public and private in the French state. The Conseil d’état or French Supreme Court attempted to balance the principles of *laïcité* with religious freedom but ended with an unclear judgement that transferred the responsibility to the sole judgement of the school authorities. On 10 February 2004, the French National Assembly banned the wearing of all religious symbols from public schools. For a more detailed analysis see Benhabib (2004, pp.184-194).

⁴⁵ See ‘Ministers agree common approach to wearing of Hijab’. *The Irish Times*, 3rd September 2008. Available from www.irishtimes.com/search/index.html.

the diversity of values, beliefs, traditions, languages and ways of life in society'. In a submission letter to the Minister for Integration, the IFI strongly criticised the media for its sensationalist reporting and emphasised the unique space available in Ireland under its civic laws:

'the debate on the issue (of the hijab) has been typified by misunderstanding, myth and sensationalism. Opinions on Islam and its practice have been expressed by those unqualified to do so. Media pundits have expressed views on the wearing of the hijab without consulting any mainstream Islamic authority...all citizens no matter their ethnicity or religion should be entitled to the same expression of their beliefs. We have seen the road taken by some of our European neighbours where all religious symbols have been removed from schools and rich tapestry of difference lost' (IFI, 2008).⁴⁶

The Political Exclusion of the Transnational 'Other'

As has been shown above, the Irish social and political opportunity structure in Ireland creates and presents incentives and disincentives to the domiciled Muslim community. Incentives identified above relate to a political system whose origins and ethos are primarily based on an independence proclamation which aimed to establish universal civil rights and appease a religious minority; the related absence of a RR party; a shared colonial and migratory past; a toleration of dual citizenship; and the religious influence which predominated Irish society and educational institutions since the formation of the state. Importantly, the Irish state has a civic pluralist form of citizenship and incorporation that is reflected in the policy of *ius soli* and respect for cultural and religious difference. In terms of disadvantages, societal racism and the political stratification of the Muslim community into

⁴⁶ See also 'Imam warns of Irish media hostility'. *The Irish Times*, 6th February 2006. Available from www.irishtimes.com/search/index.html.

citizens and denizens and the restrictive implications for long term residence, predominate.⁴⁷ It must also be recognised that civic stratification of the Muslim community contains a geographic-economic element. Notably, the institutional completeness of the Muslim community is strong primarily in the Dublin region and very much weaker outside of the metropolitan area. For example, the capital city contains three major mosques and affiliated organisations; the only Muslim educational facilities; and the economic resources of the Muslim community as well as close access to pre-existing social and political structures, which have historically resided within the capital. Consequently, the Muslim communities outside Dublin lack institutional completeness and access to advantageous social and political opportunity structures including mosque and social facilities (such as those within the ICCI), denominational education and economic independence. Subsequently, many of the regional Muslim communities are dependent and reliant upon the organisations based in Dublin, such as the IFI and ICCI.⁴⁸

However overall, in terms of the social and political structure, it can be argued that the institutionalised system of migrants' political incorporation remains an arena of exclusion, which is controlled and maintained by the nation state. Thus, from a critical cosmopolitan perspective, it is possible to conclude that the power dynamic between nation states and migrants is one-sided. In other words, it is the nation state

⁴⁷ For a discussion about the duality of legitimacy claims by 'nationals' and 'non-nationals' in terms of the 2004 Irish Citizenship Referendum - see Fanning and Mutwarasibo (2007). Furthermore, Fanning (2004) has given a good account of state-endorsed civic stratification by stating that 'immigrant workers, immigrants with Irish-born children, people with refugee status and asylum seekers are each deemed by the state to have different levels of rights and entitlements. In all cases, these are less than the entitlements of citizens. Distinctions between the entitlements of a number of such non-citizen groups are the result of state decisions that categorise and stratify people for administrative and political purposes' (p.67).

⁴⁸ See 'Why Cork's Muslim Community wants a Mosque'. *The Irish Times*, 24th February 1998. Available from www.irishtimes.com/search/index.html.

system that has designed the process by which migrants select a citizen or denizen political identity. Fundamentally, civic stratification of the migrant political arena is a power mechanism actively employed by nation states in order to maintain power and control via selective exclusion of resident peoples from the national political community. By excluding distinct and differentiated people from substantial political participation, the nation state is actively restricting the domestic political identity of its denizen population, and consequently, refocusing the innate political dimension of the denizen towards unconventional political participation domestically and political involvement in a transnational sense. This becomes even more pronounced in the ROI, since local authorities have been disenfranchised from political and financial power. This is morally reprehensible from a cosmopolitan human rights perspective. This point is backed by an Intergovernmental Committee for Migration [ICM] conference:

‘The migrant’s integration – apart from economic, social and cultural aspects – involves the question of political participation, since the migrant has a political dimension, as does any human being; his status in the receiving country cannot be divorced from this fundamental dimension’ (ICM Conference, 1976, p.78).

Within the next section, I will extrapolate how the moral sensitivity of critical cosmopolitan theory, with a particular attention on Andrew Linklater’s transformative framework, can provide a remedy to continued and persistent civic stratification of the Muslim population into citizens and denizens and realign the performance of the Irish political community onto a more equitable and moral existence. I will also highlight my belief that the restriction of denizens from the full political community in the ROI is

refocusing political action into nonconventional forms of political participation that has a national and transnational remit.

Revisiting Linklater's Transformation of the Political Community

Critical Theory is essentially a social critique that has the specific goal of identifying exclusionary practices within human society and then attempting to emancipate individuals from those exclusionary practices. It aims to subvert neorealist immutability claims (Linklater, 2007).⁴⁹ The strength of critical theory lies in its ability to 'debunk conventional assumptions about the natural qualities of social structures or human behaviour and to identify countervailing and progressive tendencies within existing societies' (Linklater, 1998, p.44).

Andrew Linklater's critical international theories are important in that they attempt to emancipate individuals within the domestic environment in order to affect change at the international level. Within *The Transformation of the Political Community*, Linklater theorises the continuing decline of the nation state's monopoly over the political community and determines that the international anarchic community can be pacified by morally broadening the scope of the political community to include previously excluded actors such as aliens and non-citizens who are domiciled within the nation state. He highlighted the aim of his book by stating that the 'central purpose is to reaffirm the cosmopolitan critique of the sovereign state-system and to defend the widening of the moral boundaries of political communities' (Linklater, p.2). His theory, in line with Kant and Marx, is morally constituted, cosmopolitan, humanistic and against exclusion (Linklater,

⁴⁹ The immutability thesis claims that 'social structures or forms of human action are natural and unchangeable rather than contingent and renegotiable'. Linklater (2007, pp.47-48).

1990). It is also postmodern in that it rejects binary classifications, respects the fragmented composition of modern societies and aims to transcend the state structure. Linklater (1998) foresees the triple transformation of the political community. By this, he means a frame of mind and discursive practice that secures 'greater respect for cultural differences, stronger commitments to the reduction of material inequalities and significant advances in universality [to] resist pressures to contract the boundaries of community' (p.3).⁵⁰ A central theoretical ambition is to disconnect the link between sovereignty, territoriality, nationality and citizenship, which has been propagated by the nation state and moulded into a stereotype of political community.

Notably, for Linklater, the political community has been totalised by the sovereign powers over time. The nation state has monopolised the right to control the instruments of violence; the right to tax citizens; the ordering of political allegiance; the right to adjudicate disputes between citizens; and the right to represent citizens in the international arena (Linklater, 1998 p.28). This totalising of the political community has maintained and legitimised the exclusion of outsiders and the overwhelming inclusion and protection of specific groups of insiders. This in itself stunts moral development within the community and perpetuates a moral democratic paradox in which the state on the one hand protects individuals but also excludes and disenfranchises 'other' individuals for reasons which cannot be morally accepted in the modern global era.

⁵⁰ In contra to the cosmopolitan perspective, communitarians such as Michael Walzer believe that citizens are inextricably linked to bounded communities through a shared historical experience and that nation states have 'the right to decide who can become a member and who should be turned away' (Linklater, 2007, pp.109-112). See Walzer, M. (2002). *Spheres of affection*. In Nussbaum, M. (ed.), *For love of country?* Boston MA: Beacon Press.

Within the totalised Irish community, it has been demonstrated that Muslim third country nationals are excluded from the full political community (as long as they remain within the realm of denizenship). David Held (1995) created the term *nautonmy* to refer to the ‘asymmetrical production and distribution of life-chances which limit and erode the possibilities of political action’ (p.171). Furthermore, social and political stratification is referenced as perpetuating exclusionary practices that form the ‘capability of groups to exclude ‘outsiders’ and to control resources denied to others’ (Held, pp.171 & 185). To transcend these stratifying and exclusionary practices, Held determines that individuals can acquire autonomy via cosmopolitan democratic law, which is ‘a democratic public entrenched within and across borders’ (p.227).⁵¹

The totalising nation state reached its zenith with the Nazi and Soviet regimes, which both promoted a ‘dominant conception of national identity’ (Linklater, 1998, p.7),⁵² but has been in steady decline as mass globalised immigration and movement have fragmented the domestic communities of nation states. Such globalisation and fragmentation ‘erode traditional conceptions of community and reduce the moral significance of national boundaries’ (Linklater, p.5). In terms of the citizen and denizen dichotomy, the nation state has lost its ethical foundation for preserving this stratification within the bounded political community. Moral responsibility

⁵¹ In opposition to Held, Kymlicka (1999, pp.112-125) is pessimistic about including individuals within transnational institutions and about constructing effective democratic and collective will above the nation state. Moreover, although enthusiastic about cosmopolitan possibilities, Wendt (1999, pp. 137-132) foresees a cosmopolitan system made up of states rather than individuals. These states will then be able to disseminate a transnational identity and respect to their citizens.

⁵² Cosmopolitans’ insist that new global economic, technological and ecological realms as well as the strengthening of international human rights and non-governmental organisations (INGO’s) have undermined national boundaries and have therefore weakened the sovereignty of nation states. (Cf. Held, 1995; Archibuggi, 2008; Linklater, 1990, 1998, 2007; Soysal, 1994; Jacobson, 1997; Benhabib, 2004).

has shifted beyond the enclosed *polis* to those outside and to those inside but excluded. In the modern global era,

‘one of the constitutive ethical principles of the sovereign state has lost its status as a self evident truth: this is the belief that the welfare of co-nationals takes precedence over the interests of aliens’ (Linklater, 2007, p.80).

This thereby makes it no longer a utopian ideal ‘to imagine new forms of political community and new conceptions of citizenship which bind sub-state, state and transnational society’ (Linklater, 1998, p.8). Exclusionary practices can be eroded by moral empathy and the formation of a dialogic community that places discourse at the top of its agenda.

In the modern era, global networks of communication have made it much harder for nation states to control and regulate the political composition of their citizens and long-term residents, thereby, leading to a weakening of the totalising characteristic of the nation state structure. Certainly, as Yasemin Soysal (1994) writes: ‘although nation-states still protect their membership by controlling the inflow of foreigners, an expanding range of rights and privileges is being granted to [...] migrants, blurring the line between citizen and non-citizen’ (p.130). Soysal argues against T.H Marshall’s (1964) ‘rights’ sequence⁵³ by suggesting that the individual libertarian nature of civil and social rights delineates noticeably from political rights that still convey a collective and ‘symbolic meaning in terms of national sovereignty’ (p.131). Interestingly, this point may suggest the variation and discrepancy between social and political rights for immigrants within the Irish nation (and other European states). However,

⁵³ Marshall’s (1964) model places rights acquisition in the sequence: civil, political and then social.

Soysal believes that ‘the logic of personhood supersedes the logic of national citizenship’ (p.164) and that political rights can be transformed within the state into new modalities of postnational citizenship, which allow Muslim denizens within the Irish state to be recognized as political entities with national and transnational rights.⁵⁴

Linklater (1998) emphasises that one ‘should not underrate the power of the nation-state and its enduring capacity to rally support’ (p.33). Recognising the changing political environment, many European countries have allowed the once excluded – aliens and third country nationals – to vote in local elections. Although recent recruitment drives for electoral registering have been successful,⁵⁵ it must be remembered that Irish local politics is significantly limited in relation to its European counterparts. Moreover, the important arena of the national electoral vote is still reserved for the full members of the political community and persistently blocked by extremely long citizenship application procedures that can take up to eight years (four to five years for the right to apply and then three years for the application to be processed). In the words of Issah Huseini of the New Communities Partnership, which aims to encourage immigrant registration and voting in the ROI, these barriers ‘reinforce the perception that immigrants are outsiders notwithstanding the number of years they’ve lived in the country’.⁵⁶ Fundamentally, nation states have come to realise the need to entice the excluded denizen into the full political community (albeit within a timeframe regulated by the state authorities) by ensuring that the

⁵⁴ Soysal's postnational citizenship perspective is heavily criticised by the content analysis work of Koopmans and Statham who object to the fact that migrant claims making is significantly postnational. In fact, they believe that the state remains the main focus of migrant claims-making. (Koopmans and Statham 1999, 2000, 2001).

⁵⁵ See ‘Number of migrants voting in local elections rises 44%’. *The Irish Times*, 16th June 2010. Available from www.irishtimes.com/search/index.html.

⁵⁶ Refer to note 55.

existing social and political opportunity structures create a demand for full citizenship. This strategy allows the nation state to maintain control of the political community and transfer moral responsibility from the state to the individual choice of the excluded person.

From a critical theory perspective, the exclusion of domiciled individuals from the national vote creates the entity of an 'other' and also fosters divisions within subaltern communities by demarcating sections within these communities as full citizens or non-citizens. Certainly, this exclusion does not rest easy with the modern cosmopolitan ethic of equality. Linklater (1998) disagrees with civic stratification via citizenship control. He suggests that 'no individuals should be excluded by virtue of their class, nationality, ethnicity, sexual identity, gender or race from participating in decisions which impinge upon their welfare and interests' (p.103).

Overall, there are positive and negative incentives related to the move from being a denizen with cosmopolitan transnational associations to a full member of the Irish political community. In terms of Linklater's post-Westphalian theory, it could be said that the Irish nation-state, in order to preserve its own control and power over the political community, is actively promoting the transition from denizenship to citizenship. Therefore, instead of fulfilling its own moral obligations to humanity, the Irish nation state has moved the responsibility for exclusion to the excluded person. In other words, the denizen is given a choice between being a cosmopolitan transnational entity with limited rights and recognition or a full member of the Irish political community, who has full political rights and protection by default.⁵⁷ Consequently, the Irish nation state is effectively absolved from

⁵⁷ It must be recognised that Muslims domiciled within the ROI may also be actively choosing to remain within the realm of denizenship. Roy (2004) has touched on this point by suggesting that Muslim groups

any humanitarian and moral responsibility. Although aspects of state power are in decline, the Irish nation state remains in control of the political community and actively excludes denizens (i.e. individuals who have not declared their allegiance to the Irish state) from the full electoral process. Furthermore, if dual citizenship is unattainable, the policies of other nation states (i.e. an immigrant's country of origin) may also inhibit the ability of a denizen from becoming part of the full political community within the receiving country.

The question must be asked as to what effect does the restriction from the full political community have on denizens and their political participation? I would suggest that the exclusion of denizens from the full political community in the ROI refocuses political participation away from conventional political action such as voting and running for electoral office and into modes of unconventional participation that involve lobbying, street protestation and media discourse. Nonconventional forms of political action are generally collective and have national and transnational⁵⁸ focus. Marco Martinello (2006) has emphasised that 'relevant political participation cannot be reduced to electoral participation. Other forms such as trade union politics, association and community organisation have to be taken into

(particularly neo-fundamentalist groups) are actively promoting a de-territorialised existence that bypasses ethnic and national cleavages in order to develop a 'pure' unmediated form of Islam – an Islam that cannot be abused by the self-interest of nation states and can be identified as a 'cosmopolitan' Ummah. Also, Baubock (1994) has stated that low naturalisation rates may be reflective of the fact that denizens enjoy many civil and social rights that full citizens enjoy (except for political rights).

⁵⁸ Transnationalism has been defined a process by which 'immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement [...] many immigrants today build social fields that cross geographic, cultural, and political borders'. See Basch, Glick Schiller and Blanc-Szanton (1994, p. 7). Martinello and Lafleur believe the above classical definition 'contains three major elements in the apprehension of immigrant transnationalism. First, it implies that the links between the individual and the nation-state are not exclusive but multiple [...] Second, the space within which the migrants work, conduct their social, political and religious lives or even raise a family cannot be clearly divided between the home and receiving country [...] Third, this definition implies that transnationalism potentially concerns every aspect of a migrants' life. Yet, the intensity of transnational political activity may vary substantially from one individual to another' (Martinello & Lafleur, 2008, pp.648-649).

account as well' (p.86). Martinello and Lafleur (2008), developing on Østergaard-Nielsen's (2003) transnational activity typology of homeland, immigrant and translocal politics, prefer not to design a category that risks giving 'the impression that spaces of political action are clearly separated from one another' (pp.652-653) and instead form a broad definition of immigrant political transnationalism. This definition states that:

'Immigrant political transnationalism covers any political activity undertaken by migrants who reside mainly outside their homeland and that is aimed at gaining political power or influence at the individual or collective level in the country of residence or in the state to which they consider they belong. Such power or influence may be achieved by interacting with all kinds of institutions (local, subnational, national or international) in the country of residence and/or the home country, by supporting movements that are politically active in the country of origin or by intervening directly in the country of origin's politics' (Martinello and Lafleur, pp.652-653).

Notably, the Irish Times newspaper gives some indication of nonconventional political participation with national and transnational focus. For example, demonstrations and lobbying by Muslim groups in the ROI in relation to proposed banning of the veil in France; street protests by Islamic students against the Iraq occupation and use of Shannon airport as a U.S military stopover; further street protests against the cartoon depiction of Muhammad within various European newspapers (including the reproduction of the cartoon within the Irish tabloid – *The Star*); the lobbying of Irish banks to facilitate Islamic banking for the Irish Muslim community; and further lobbying of the Irish government and the European Union to

intervene in the Israeli-Palestinian and Israeli-Lebanese conflicts.⁵⁹ Unfortunately, this point cannot be expanded further because newspaper coverage gives a limited view of unconventional national and transnational activity.⁶⁰

It can be said that the Irish nation state is not morally righteous in its exclusion of denizens from the national vote and from automatic citizenship.⁶¹ In Linklater's (1998) own words, 'the boundaries of the political community have not coincided with the boundaries of the moral community' (p.155). By this he is arguing that although governments are under no responsibility to admit persons hostile to the state or without regard to economic and social circumstances, overall, there is no moral reasoning that can explain the exclusion of persons from the political community simply due to their belonging or birth within another state (Linklater, pp.57 & 80).

It can therefore be stated that the Irish nation's civic stratification of the Muslim community into denizens and citizens is morally indefensible. Ideally, the Irish nation should be prepared to involve everyone within its

⁵⁹ See 'Thousands protest at ban on headscarves' 19th January 2004; 'An Irishman's Diary' 25th March 2005; 'Muslims in Dublin cartoon protest march' 11th February 2006; 'Muslim groups here urge stronger Irish stance' 5th August 2006; 'New body launched to represent Muslims in Ireland' 19th September 2006; 'Call of Islamic Mortgage Scheme' 25th June 2007; 'Islamic Banking: Now demanded in the Republic' 13 August 2007; 'Group to lobby for right to wear hijab' 2nd September 2008; 'Muslims auction their cars to help raise funds for Gaza' 10th January 2009; 'Scuffles break out at rival protests' 12th January 2009. All available from *The Irish Times*: www.irishtimes.com/search/index.html. See also *The Friday Times*. (April 2003-April 2005). Available from the National Library of Ireland (NLI) (Holding Number: IK 450). <http://www.nli.ie/en/catalogues-and-databases-printed-newspapers.aspx>. Notably, *The Friday Times* is the first and only newspaper to be produced specifically for the Muslim community in Ireland. However, its viewpoints were not holistically representative of the Muslim community in the ROI.

⁶⁰ I hope to investigate the link between exclusion from the full political community and nonconventional national-transnational political action in the future by conducting a quantitative survey of a random sample of the Muslim population domiciled in the Dublin metropolitan area.

⁶¹ Linklater's cosmopolitan theory does seem to have a more anti-state and open position to the acquisition of citizenship than Benhabib (2004) who declares that: 'I have pleaded for moral universalism and cosmopolitan federalism. I have not advocated open but rather porous borders [...and] have accepted the right of democracies to regulate the transition from first admission to full membership' (p.221). Essentially, Benhabib calls for more adherence to human rights within the territorial boundaries of the state whilst Linklater asks for a moral discourse that will lead to a transcendence of the Westphalian state system.

borders in the full political community. In other words, citizenship and the right to vote in all elections should be open to all and excluded to nobody. This suggests that the Irish nation should actively take steps to enlarge the boundaries of the moral and political community so that all affected parties - citizens and denizens - can work together as co-legislators (Linklater, 1998, p.84).

Citizenship, throughout history, 'has possessed its own forward momentum' (Linklater, 1998, p.185) and ability to expand the boundaries of political community. In addition, the idea of citizenship has been continuously re-articulated to give a political vote and voice to groups that had been at one time or another excluded from the circle of representation. Interestingly, the ROI has played an innovative lead role in extending citizenship rights in Europe. Ireland was one of the first countries to give denizens the local vote based on residence (*ius domicili*) instead of citizenship yet, in common with the majority of other European nations; it has stopped short of its moral commitment to open the boundaries to the national vote and automatic citizenship. Linklater (1998) describes restriction to citizenship as 'a key weapon in the exercise of monopolising social privileges and opportunities' (p.189).⁶² It may be suggested therefore that the Republic of Ireland, whilst allowing for some allowances to the post-modern era, is unwilling to give up its monopoly to citizenship and control of the full political community. In

⁶²In America, academic literature on noncitizen voting is small but growing. See Raskin (1993) and Hayduk (2004). Critics of noncitizen voting see the process as likely to devalue the worth of citizenship. See Schuck (1998).

fact, it is up to the denizen to make a political decision as to which camp to deposit his/her allegiance, whilst the nation state denies its own moral obligations to humanity. Therefore, the nation state maintains and receives political power by being the gate-keeper of rights. From a critical perspective, modern Ireland needs to come to terms with the tensions that exist within modern citizenship and its impact on subaltern communities domiciled within its borders. As Linklater has suggested:

‘the modern idea of citizenship is laden with tensions and instabilities. On the one hand, citizenship embodies the right to freedom and equality which is the property of the whole of humanity; on the other hand, citizenship is invested in separate political communities which can happily purchase their own autonomy by limiting the freedom of others’ (1998, p.191).

Realistically, how can so many diverging viewpoints be accommodated within a community with an open policy on the acquisition of citizenship? This is where Linklater’s theory freely mixes with the Habermasian idea of discourse ethics (Habermas 1989, p.82ff). This idea suggests that a heterogeneous political community that is fully open to universal discourse can resolve societal issues and formulate equitable solutions. The Habermasian notion of true dialogue refers to a mutual reciprocal exchange whereby no person, group or moral position can be excluded from the dialogue in advance. In other words, the dialogue is an open and mutual process. Habermas (1990) succinctly described true dialogue as

‘not a trial of strength between adversaries hell-bent on intellectual conquest, but an encounter in which human beings accept that there is no a priori certainty about who will learn from whom, and engage in a process of ‘reciprocal critique’

which is designed to create social arrangements which meet the consent of all' (p.26).

Logically, a political community that is committed to discourse 'will be deeply concerned about the damaging effects of its actions on outsiders' (Linklater, 1998, p.91). Participants within this mutual discourse agree to be guided by 'the force of better argument' (Habermas, 1990, pp.66 & 89) and understand that norms cannot be standardised until they receive the consent of those who stand to be affected by them (Habermas, 1989, p.82ff). Fundamentally, discourse ethics disrupts the perpetual norm of territorial sovereignty and of bounded political communities that reinforce exclusion of domiciled and external groups. It does this by problematising 'all social boundaries, including the effects of bounded political communities on the members of other groups' (Linklater, 2007, p.57). With this in mind, it is possible to conclude from a moral and humanistic perspective that Muslim denizens in the ROI should not be adversely restricted (by process or long periods of time) from the arena of the full political Irish community and the right to participate in important national elections which affect their everyday lives within the state. Therefore, greater representation is not just given to outsiders of the bounded territory: 'one must also envisage communities that recognize the claims of the culturally [and politically] marginal within their boundaries and promote their representation' (Linklater, p.58).

Furthermore, external political communities who are also affected by domestic realm policies and actions must be given an opportunity to join the discourse (i.e. immigrant sending states). This is confirmed by Seyla Benhabib (2004) who states that since 'discourse theory articulates a

universalist moral standpoint, it cannot limit the scope of the moral conversation only to those who reside within the nationally recognised boundaries; it must view moral conversation as potentially extending to all humanity' (p.14). Benhabib confirms that the transforming of political community exclusion can be reduced through the deployment of *juris-generative* acts, whose praxis is formulated on an iterative democratic process that 'signals a space of interpretation and intervention between intranscendent norms and the will of democratic majorities' (2004, p.181). Thus, making it possible for the Irish political majority to reassess and reinterpret existing exclusionary norms and in turn transform their political community in a more cosmopolitan direction. This point is confirmed by Benhabib when she states that

'Transformations of citizenship, through which rights are extended to individuals by virtue of residency rather than cultural identity, are the clearest forms of such cosmopolitan norms' (2004, p.177).

The dialogic process of development and the aim to rid the Irish state of systematic and institutional systems of exclusion, will begin the Habermasian process of moral-practical learning, which involves a 'willingness to question all social and political boundaries and all systems of inclusion and exclusion [and to ask...] whether the boundaries between insiders and outsiders can be justified by principles that are agreeable to all' (Linklater, 2007, p.51). Producing these characteristics within all nation states can effectively lead to the transformation of the political community and the transcending of the Westphalian state system, thereby, creating a

international system devoid of perpetual anarchy and characterised by universal discourse and a concern for the other.

Overall, the evidence presented in this paper shows that elements of the Muslim community are excluded from participating within the full political community in Ireland. This immoral exclusion may be refocusing denizen political participation into unconventional forms and redirecting political involvement into a more transnational direction. This has come about because the survival of the Irish nation state depends on maintaining its position as the gatekeeper of the political community, which consequently thereby restricts denizens from becoming fully functional political beings. The existence of denizens within nation states is proof that the globalised and fragmented post-modern world has come into being and that such a transformation of the international system is presenting contentious moral dilemmas for the existing Westphalian system. Ultimately, how will post-Westphalian citizenship change in terms of the pre-existing norm? Linklater declares that:

‘Citizens of the post-Westphalian state [...] can come under the jurisdiction of several political authorities; they can have multiple identities and they need not be united by bonds that make them either indifferent, or enemies of, the rest of the human race. The ‘Westphalian’ state defends national interests against outsiders and frequently takes little account of minority groups within its borders; the post-Westphalian state can remove these moral deficits by striking a new balance between substate loyalties, traditional nation-state attachments and sphere of cosmopolitical identification’ (p.107).

Critical theory proposes a further evolution of citizenship and a continued resistance to the closing of political boundaries. Neo-realists may criticise

this constructivist viewpoint as idealist and utopian but the concluding words of Andrew Linklater's seminal book *The Transformation of Political Community* can provide inspiration to challenge neo-realist certainties:

‘Maybe visions of a humanity united in domination-free communication will always be utopian. But by unfolding their distinctive moral potentials, modern societies may yet prove capable of creating dialogic arrangements which are unique in the history of world political organisation. Realising the promise of the post-Westphalian era is the essence of the unfinished project of modernity’ (Linklater, 1998, p.220).

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